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## 15th Annual Business Litigation Conference 2016

*Your time is valuable—get the essential updates in an afternoon at MCLE*

This year's annual *Conference* is a can't-miss event!

Get the latest update on new business litigation developments and important case law delivered in a dynamic, streamlined format by a stellar faculty of U.S. District Court and Massachusetts Superior Court Judges and preeminent practitioners.

Hear insightful, practical tips from the trenches—and from the Bench. U.S. District Court Judges Jennifer C. Boal, Robert B. Collings, Judith G. Dein, Nathaniel M. Gorton, Timothy S. Hillman, F. Dennis Saylor IV, and Richard G. Stearns; and Business Litigation Session Judges Mitchell H. Kaplan, Edward P. Leibensperger, Christine M. Roach, and Janet L. Sanders discuss recent trends, important cases, and field questions in the ever-popular judicial panel sessions.

And hear important insights on the evolving landscape of damages in Massachusetts, as well as key tips for navigating and litigating thorny issues in representations, warranties, indemnities, and post-closing adjustments when deals are in disarray and promises have not been kept.

Get strategic perspective that only experience—and the *Conference*—can provide. Your time is valuable; let MCLE's distinguished panelists quickly bring you up to speed on the latest business litigation developments essential to your practice.

### Agenda

- 12:00 P.M. – 1:00 P.M., Year-in-Review: Top 10 Cases  
Analysis of their impact on your practice.
- 1:00 P.M. – 2:00 P.M., Business Litigation Session Judicial Panel
  
- 2:00 P.M. – 2:15 P.M., Networking and Refreshment Break
- 2:15 P.M. – 3:15 P.M., Damages Under Massachusetts Law: The Evolving Landscape  
Get an update on important developments in the area of damages under Massachusetts law, including the types of damages available in contract, fiduciary duty, liquidated, and trade secret cases, and the parameters for admissible expert testimony. Hear from practitioners involved in some of the most notable recent cases, including the exclusion of lost profits expert testimony affirmed by the SJC in *LightLab Imaging Inc. v. Axsun Technologies, Inc.*, and the approaches to business valuation taken in *Beninati v. Borghi*. And learn about the differences between an enforceable liquidated damages provision and an unenforceable penalty clause, as well as how to use liquidated damages strategically in settlement agreements and implement them as a litigation avoidance strategy.
- 3:15 P.M. – 4:00 P.M., Litigating the Miasma of Representations, Warranties, Indemnities, and Post-Closing Adjustments: Deals in Disarray and Promises Not Kept  
Learn about litigation issues that can arise when parties to a merger or acquisition suffer buyers' or sellers' remorse. Hear a discussion of the pros and cons of adjustment v. breach; learn how time limits on the survival of representations and warranties can impact potential claims; discover how to resolve litigation risk around materiality, knowledge, and exceptions; and consider how claims against third-party professionals who assisted in the transaction as counsel or investment banker, or furnished audit reports on financial statements, can impact litigation strategy and business issues.
- 4:00 P.M. – 5:00 P.M., Federal Judicial Panel

### Cochairs

- Michael F. Connolly, Esq.,
- Thomas S. Fitzpatrick, Esq.,

### Faculty

- Hon. Jennifer C. Boal, U.S. District Court, District of Massachusetts, Boston

- Hon. Robert B. Collings, U.S. District Court, District of Massachusetts, Boston
- Shepard Davidson, Esq., ArentFox Schiff LLP , Boston
- Hon. Judith G. Dein, U.S. District Court, District of Massachusetts, Boston
- Anthony L. DeProspero, Jr., Esq., Schwartz Hannum, PC, Andover
- Hon. Nathaniel M. Gorton, U.S. District Court, District of Massachusetts, Boston
- Hon. Mitchell H. Kaplan,
- Matthew E. Miller, Esq., Foley Hoag LLP, Boston
- John W. Moran, Esq., Boston
- Hon. Kenneth W. Salinger, Superior Court, Business Litigation Session, Commonwealth of Massachusetts, Boston
- Hon. Janet L. Sanders, JAMS, Boston
- Hon. F. Dennis Saylor, IV, U.S. District Court, District of Massachusetts, Boston
- Laurence A. Schoen, Esq., Mintz Levin Cohn Ferris Glovsky and Popeo, PC, Boston
- Hon. Debra A. Squires-Lee, Superior Court, Business Litigation Session, Commonwealth of Massachusetts, Boston

## Dates

- ON DEMAND WEBCAST (#2160126WBA): Watch starting Thursday, 6/2/2016

## Tuition

- \$275.00
- \$275.00 Members
- \$275.00 New Lawyers
- *FREE* for MCLE OnlinePass Subscribers
- Email [scholarships@mcle.org](mailto:scholarships@mcle.org) to apply for a need-based scholarship.

## Materials Included with Your Tuition

- All presentation materials, including faculty slides and handouts, in electronic format

## CLE Credits

- Earn up to 5 substantive

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